



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

Tel: +1 (212) 745 9200  
Fax: +1 (212) 745 9316

Email: [uk@un.int](mailto:uk@un.int)  
[http://twitter.com/UKUN\\_NewYork](http://twitter.com/UKUN_NewYork)

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
SEVENTY-SIXTH SESSION, AGENDA ITEM 82,  
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK  
OF ITS 72ND SESSION: PART 2 (A/76/10)

CHAPTER VI (IMMUNITY OF STATE OFFICIALS FROM FOREIGN

CRIMINAL JURISDICTION)5.32 841.92 reW\* nBT/F1 12 Tf1 0 0 1 368

MR GEORGE HOWE  
ASSISTANT LEGAL ADVISER  
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE

**28 OCTOBER 2 NOVEMBER 2021**

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Madam Chair,

1. The United Kingdom thanks the Commission for its continued work and consideration of the important topic of \_\_\_\_\_ and thanks the Special Rapporteur, Ms Concepción Escobar Hernández, for her eighth report.
2. The United Kingdom commends the measured way in which the Commission is now approaching this sensitive topic, while noting that substantive issues – including areas of significant disagreement - remain to be addressed and that considerable further work is required before the draft articles are presented to States for their considered views. The United Kingdom hopes, nevertheless, that this can be done next year, before the end of the present quinquennium.
3. The United Kingdom takes note of the progress achieved by the Commission during this session, including its provisional adoption of draft articles 8 *ante*, 8, 9, 10, 11 and 12 and accompanying commentaries, and emphasises that any proposals the Commission makes in relation to procedural requirements must respect, and be capable of application across, diverse national legal systems. The United Kingdom also underlines the practical significance of the Commission's work in this area for national authorities. It would be preferable if the obligation to consider immunity were triggered only where the competent authorities of the forum State were considering exercising criminal jurisdiction in respect of an individual; it was made clear by that individual, or by the State whom they were purporting to

4. The United Kingdom also takes note of the Commission's well-reasoned debate in relation to paragraph 5 of draft article 11 on the irrevocability of waiver of immunity and welcomes its invitation to States in paragraph (18) of its commentary to provide comments.
5. The United Kingdom notes the dearth of State practice in this area. Yet, at the same time, the United Kingdom cautions against making an assumption that, just because States do not regularly revoke waivers of immunity, there must be an absolute rule against such revocations. The possible exceptions identified by members of the Commission in paragraph (15) of the commentary are by their very nature wholly exceptional.
6. As with the other provisions already considered by the Commission,

if the Commission's work on this topic is going to contain proposals for the progressive development of the law or new law, the appropriate form for the outcome of the Commission's work should be a treaty.

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Madam Chair,

8. Turning to the topic of - , sea-level rise is a very significant issue that affects many States. The United Kingdom, therefore, thanks the two co-chairs and the members of the Study Group for their efforts on the law of the sea aspects of the topic, the results of which are set out in Chapter IX of the annual report of the Commission, and welcomes the fact the Commission continues to study this important topic.
  
9. The United Kingdom looks forward in due course to considering the results of the Study Group's deliberations on the issues of statehood and the protection of persons affected by sea-level rise, as well as the consolidated results of the work undertaken by the Commission in its 72nd and 73rd sessions.

Thank you, Madam Chair.